

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**DEMETRIUS FLOWERS**

**PLAINTIFF**

**VS.**

**NO. 3:07CV00134**

**JONESBORO POLICE DEPARTMENT et. al.**

**DEFENDANTS**

**ORDER**

Pending is Defendants' motion to dismiss. (Docket #33). Plaintiff failed to respond. Defendant propounded interrogatories and requests for production of documents on Plaintiff on or about November 27, 2007. Plaintiff has not responded to these discovery requests. On January 23, 2008 the Defendants filed a motion to compel discovery. On February 7, 2008 the Court granted Defendants' motion to compel. Plaintiff was directed to provide full and complete responses to Defendants' discovery requests on or before February 20, 2008. Plaintiff did not comply with the Court's Order.

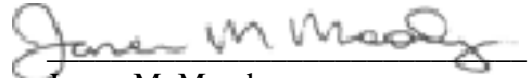
Local Rule 5.5(c)(2) provides that if any communication from the Court to a *pro se* litigant is not responded to within thirty days, the case may be dismissed without prejudice. More than thirty days have passed since the entry date of that Order, Plaintiff has not responded to the Court's Order by providing the responses to the Defendants as ordered by the Court. Further, Plaintiff has not responded to the pending motion to dismiss.

Under these circumstances, the Court concludes that this case should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2). *See Miller v. Benson*, 51 F.3d 166, 168 (8<sup>th</sup> Cir. 1995) ("District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and we review the exercise of this power for abuse of discretion.") *See also*,

Fed. R. Civ. P. 41(b).

IT IS THEREFORE ORDERED that Plaintiff's Complaint (docket entry #2) be and it is hereby DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 18<sup>th</sup> day of March, 2008.

A handwritten signature in cursive script, appearing to read "James M. Moody", written over a horizontal line.

James M. Moody  
United States District Judge